Criminal Revision No. 114 of 2003

Hon'ble Irshad Hussain, J.

Heard. This is a revision against the order dated 7.7.2003 passed by the Additional Sessions Judge/ III F.T.C. Dehradun rejecting the application filed on behalf of the accused with a prayer to recall the prosecution witnesses for further cross-examination as permissible U/S 311 of the Cr.P.C.

The reason for the application was that after close of the evidence Smt.Palo Devi injured was re-examined. Learned Sessions Judge has passed an order on the application of the accused Rama Shankar and the order passed does not appear to be speaking.

The learned Sessions Judge could have disclosed the reason as to why the prayer to recall of the witnesses could not be permitted and further that the learned Sessions Judge has not taken into consideration the application also moved by Smt. Deepa seeking her re-examination in the evidence. Considering this the impugned order is set aside and the learned Sessions Judge is directed to disposed of the application afresh by speaking order and also taking into account the application moved by Smt. Deepa and the peculiar facts and circumstances of the case. The revision is disposed of accordingly.

(Irshad Hussain, J.)

Dt. 8-8-03
ISB